

# CODE OF RIGHTS AND RESPONSIBILITIES

## SCOPE

### CODE APPLIES TO ALL MEMBERS OF THE UNIVERSITY

1. This Code applies to all members of the University, that is, faculty members, administrative and support staff and students. The process for the formal resolution of complaints made against students is distinct from the process for the formal resolution of complaints made against faculty members and administrative and support staff.

### CONTRACTORS, THEIR EMPLOYEES AND VISITORS

2. Contractors, their employees and representatives, and visitors to the University are expected to conduct themselves in any University-related activity in a manner consistent with this policy. Violations of this Code by such persons may be dealt with as potential breaches of contract or may result in suspension of University privileges, such as access to campus. Should such persons believe that they have been subjected to conduct on campus in violation of this Code, they may consult the Office of Rights and Responsibilities for advice.

### CODE DOES NOT SUPERSEDE OTHER POLICIES OR AGREEMENTS

3. Nothing in this Code shall replace or supersede complaint, grievance or appeal procedures set out in any collective agreement to which Concordia University is a party, the Code of Conduct (Academic), the University Calendars or the University Policy Manuals.

## JURISDICTION

4. Complaints with respect to a violation of this Code may be made by members of the University in relation to the conduct of other members where the complainant is directly affected by the conduct in question. As well, the University, through its designated officers, may make a complaint on its own behalf. The alleged violation must have taken place on University premises, either rented or owned, or on other premises, in the course of any University-sponsored activity or event. Exceptionally, complaints may be made regarding an alleged violation that has taken place at another location, where the potential consequences of the violation may adversely affect the complainant's course of work or study at the University.

## PREAMBLE

### RIGHTS

5. All faculty members, administrative and support staff and students may reasonably expect to pursue their work and studies in a safe and civil environment. Concordia University therefore does not condone discrimination, harassment, sexual harassment, threatening or violent conduct or offenses against property. Such conduct is defined in articles 15 to 19.

### RESPONSIBILITIES

6. All faculty members, administrative and support staff and students are expected to refrain from violating this Code. Members of the University who have supervisory authority over others bear a particular responsibility to act in a timely and effective manner if they become aware of any violation of this Code.

## **ASSISTANCE FROM THE OFFICE OF RIGHTS AND RESPONSIBILITIES**

7. This Code establishes the Office of Rights and Responsibilities, whose mandate is to assist University members in resolving incidents involving an alleged violation of this Code, in an effective and constructive manner. Such assistance is available both to individuals who believe that they have been subjected to conduct that violates this Code, and to those with supervisory authority who are called upon to respond to incidents of such conduct.

## **COMPLAINTS SUBJECT TO A RANGE OF RESPONSES**

8. In keeping with its desire to settle conflicts in an effective and constructive manner, the University shall endeavour to seek an appropriate response to any alleged violations of this Code, ranging from the use of alternate methods of conflict resolution to formal procedures for adjudicating complaints. If a violation has occurred, every attempt shall be made to use remedies and sanctions that restore harmony, collegiality and cooperation between members.

## **INFORMING THE COMMUNITY**

9. The Office of Rights and Responsibilities, together with the Advisory Committee on Rights and Responsibilities, shall undertake to inform all members of the University of the provisions of this Code and the services provided by the Advisor.

## **FAIRNESS AND CONSISTENCY**

10. Complaints made under this Code shall be adjudicated in a manner that is consistent with the principles of natural justice and fair for all parties to the complaint, regardless of constituency. The principles of natural justice may be defined broadly as the obligation to hear the other side and to make a decision untainted by bias.

## **ACADEMIC FREEDOM**

11. This Code is not to be applied in such a way as to detract from the right of faculty members, administrative and support staff and students to engage in the frank discussion of potentially controversial matters, such as race, sex, sexual orientation, politics or religion. Further, the Code should not be interpreted in such a way as to limit the use of legitimate instructional techniques, such as irony, argument, conjecture and refutation, or the assignment of readings which may present a controversial point of view. This Code also recognises the right to teach according to one's best judgement, within the bounds of the course calendar description and requirements of competency.

## **MANAGEMENT RIGHTS**

12. This Code is not to be applied in such a way as to detract from the right and duty of those with supervisory authority to manage, and if necessary to discipline, faculty, administrative and support staff and students in accordance with collective agreements and University policies and procedures.

## **UNION RIGHTS**

13. This Code is not to be applied in such a way as to detract from the rights of unions to defend the interests of their members and to exercise their rights under a collective agreement.

## **RECOURSE AT LAW**

14. This Code does not detract from the right of members to seek recourse at law.

## DEFINITIONS

### DISCRIMINATION

15. Discrimination is defined as treatment which:

- i) has the effect or purpose of imposing burdens, obligations or disadvantages on members or groups of members; *and*
- ii) for which there is no bona fide and reasonable justification; *and*
- iii) when such treatment is based on one of the prohibited grounds specified in the Quebec Charter of Human Rights and Freedoms, that is; race, colour, ethnic or national origin, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, social condition, handicap or the use of a means to palliate a handicap.

### HARASSMENT

16. Harassment is defined as:

- i) unwelcome, vexatious conduct, directed towards a member or group of members; *and*
- ii) which may or may not be based upon one of the prohibited grounds specified in article 14, iii); *and*
- iii) when such conduct has the effect or purpose of unreasonably interfering with a member's work or academic, athletic or artistic performance or of creating an intimidating or hostile environment for work or study.

### SEXUAL HARASSMENT

17. Sexual harassment is defined as conduct of a sexual nature such as, but not limited to, sexual assault, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands for sexual favours or unwelcome and repeated innuendos or taunting about a member's body or appearance when:

- i) submission to such conduct is made, whether explicitly or implicitly, a term or condition of a member's employment or educational progress; *or*
- ii) submission to or rejection of such conduct is used as the basis for an employment or academic decision affecting that member; *or*
- iii) when such conduct has the effect or purpose of unreasonably interfering with a member's work or academic, athletic or artistic performance or of creating an intimidating or hostile environment for work or study

### THREATENING OR VIOLENT CONDUCT

18. Threatening or violent conduct is defined as:

- i) assaulting another member; *or*
- ii) threatening another member or group of members with bodily harm or causing another member or group of members to have reasonable grounds to fear bodily harm; *or*
- iii) creating, or threatening to create, a condition which unnecessarily endangers or threatens the

health, safety or well-being of another member or group of members or threatens the damage or destruction of property.

## OFFENSES AGAINST PROPERTY

19. Offenses against property are defined as wilfully or recklessly taking, having unauthorized possession of, damaging or destroying any property belonging:
  - i) to the University; *or*
  - ii) to any member when such property is on University premises or on other premises during the course of a University-sponsored activity or event.

## INFORMAL RESOLUTION OF COMPLAINTS

### CONSULTATION WITH THE ADVISOR ON RIGHTS AND RESPONSIBILITIES

20. The Advisor on Rights and Responsibilities shall be impartial in the exercise of his/her functions, and shall respect the confidentiality of all parties to any matter in which the Advisor has been requested to assist.
21. Members of the University who believe that they have been subjected to conduct that violates this Code may consult the Advisor. The primary goal is to assist the complainant to make an informed choice as to the most appropriate method of resolution to a complaint or conflict.
22. Normally, a complaint should be made within two months of the alleged violation. This period may be extended at the discretion of the Advisor. If the person against whom the complaint is made (the respondent) is a member of a union, the Advisor shall inform the complainant of any delays regarding disciplinary procedures which may be prescribed in the respondent's collective agreement.
23. The Advisor will make a determination whether the complaint:
  - a) is not within the jurisdiction of this Code, in which case the Advisor shall, if appropriate, redirect the complainant to the relevant channels for redress; *or*
  - b) is trivial, frivolous, vexatious or made in bad faith; *or*
  - c) is being heard, or has already been heard by another University officer, or through another University procedure; *or*
  - d) does not appear to be supported by sufficient evidence.
24. The Advisor may refuse to assist in informal resolution, or, in the case of complaints made against students, to proceed with a formal complaint, on one or more of the grounds listed in article 23.
25. Given the Advisor's agreement to proceed, the complainant shall decide upon one of the following courses of action:
  - a) to proceed with informal conflict resolution; *or*
  - b) to proceed with a formal process; *or*
  - c) to take no further action; *or*
  - d) to pursue any other course of action available at law, under a collective agreement or under any other University policies or procedures.

## **PROCEDURES FOR INFORMAL RESOLUTION**

26. Should the complainant opt to proceed with informal conflict resolution, he/she shall authorize the Advisor to take steps to attempt an informal resolution of the complaint. Such steps may take a variety of forms, for example, helping to clarify perceptions, raising awareness of the impact of certain conduct, reconciling differences or sorting out misunderstandings. The parties may be brought together or communication may be effected through the Advisor.
27. Some situations lend themselves to structured mediation. If both parties agree to try this method, the Advisor may personally act as mediator, or may assist the parties in obtaining the services of another member of the University who is qualified to perform this function.
28. Any informal agreement reached between the parties is entirely voluntary. Neither the Advisor nor any other mediator has authority to impose conditions or sanctions upon either party.
29. The complainant may withdraw the complaint at any point during the process of informal resolution. As well, the Advisor may withdraw from the informal process if he/she determines that no useful purpose will be achieved by continuing to attempt informal resolution.
30. Normally, attempts at informal resolution shall not last longer than three months.

## **FILES OF COMPLAINTS RESOLVED INFORMALLY**

31. Upon completion of the informal process, the Advisor shall prepare a summary of the matter, but shall remove all information identifying the parties from the file.

## **PROCEDURES FOR ADJUDICATING FORMAL COMPLAINTS MADE AGAINST STUDENTS**

32. Formal complaints against students shall be adjudicated by a Hearing Panel selected from the Student Hearing Board pool.

### **STRUCTURE OF THE STUDENT HEARING BOARD**

33. A permanent Secretary of the Student Hearing Board (the Secretary) shall be appointed by the Secretary-General. The Secretary shall be responsible for the administrative functioning of the Student Hearing Board and shall maintain the confidential files and recordings of proceedings of the Student Hearing Board.
34. A permanent Selection Committee shall be struck by the Secretary. It shall be composed of the Secretary, the Dean of Students and a representative from each of the recognized student associations. The Selection Committee shall recruit, screen and appoint student members to the pool of the Student Hearing Board. The Selection Committee shall also appoint the Chair and Alternate Chair(s) of the Student Hearing Board.
35. Normally, appointments shall be made for a two year term which is renewable. The terms shall run from 1 June to 31 May. Every effort shall be made to stagger the appointments so as to ensure continuity.
36. The role of the Chair and Alternate Chair(s), outlined below, requires impartiality and particular skills which take time to develop and cannot easily be acquired by lay persons during a brief term of office. As such, the Chair and Alternate Chair(s) shall normally be selected from qualified alumni or emeriti who have training in law or tribunal procedures as well as some knowledge of the University environment.
37. A minimum pool of six (6) students composed of both undergraduate and graduate students shall be maintained, any three of whom shall sit on a given Hearing Panel as selected by the Secretary.
38. The members of the Student Hearing Board shall receive annual training, prepared and conducted jointly by the Advisor, the Director of Advocacy and Support Services and the University Legal Counsel. Student panelists shall receive training before being selected to serve on any panel.

### **INITIATING A FORMAL COMPLAINT AGAINST A STUDENT**

39. A complainant may opt to proceed directly to a formal complaint at the outset (article 25) or after an attempt at informal conflict resolution has been unsuccessful. If the Advisor has refused to proceed with a formal complaint on the grounds listed in article 23, the complainant may appeal such a refusal by submitting a request in writing. The Advisor shall forward the request, together with a written explanation of the refusal, to the Secretary of the Student Hearing Board, who shall convene a Hearing Panel to decide the issue. The decision of a Hearing Panel is final.
40. In the event that a formal complaint proceeds, the following articles shall apply:
41. The Advisor shall inform the complainant of the following:
  - a) the required format for submitting the complaint, which must be made in writing, signed and dated and must identify the respondent and the precise nature of the complaint;
  - b) the procedures which shall be followed by a Hearing Panel;
  - c) the right of the complainant and the respondent to consult any person in the preparation of

his/her case, and to be accompanied or represented before a Hearing Panel by any member of the University community. If the complainant is a student, he/she also has the option of obtaining an advisor through the services of Advocacy and Support Services;

- d) the right of appeal.
42. Upon receipt of the written complaint, the Advisor shall immediately notify the respondent. The respondent shall receive a copy of the complaint together with the information detailed in article 41 b), c) and d).
43. Concurrent with the notification sent to the respondent, the Advisor shall notify the Secretary who shall convene a Hearing Panel to hear the matter. Thereafter, the Secretary shall be responsible for all communications with the complainant and the respondent.
44. A Hearing Panel shall be convened as soon as possible after receipt of the notification by the Secretary and normally within twenty-five (25) working days.
45. Once a hearing date is fixed by the Secretary, the complainant shall submit any additional documentation substantiating his/her case to the Secretary no later than fifteen (15) working days before the scheduled hearing date. Such documentation shall include any supporting documents and a list of the witnesses, if any, that will appear. The Secretary shall forward the documentation together with a list of the panelists selected for the case to the respondent no later than ten (10) working days before the scheduled hearing date. The list of panelists shall also be sent to the complainant.
46. Either party may object to the participation of a panelist on the grounds of potential bias. A reasoned objection shall be filed with the Secretary who shall arrange for an alternate panelist to serve if he/she determines that the objection is well founded. If the Secretary feels that the objection is frivolous and the matter cannot be resolved, the issue shall be forwarded to the Chair of the Student Hearing Board who shall render a final decision in this regard.
47. A settlement may be agreed to by the parties at any time prior to the hearing. The Advisor shall be informed of the general substance of the settlement.

## **THE HEARING**

48. The Student Hearing Board shall establish its own rules of procedure. Minimally, these rules shall provide for opening statements by the parties, the presentation of evidence and witnesses, the right of cross-examination, questioning by members of the Hearing Panel, representations with respect to desired sanctions and closing statements. Hearings shall be recorded, and the cassette kept as part of the permanent record of proceedings.
49. The role of the Chair shall be to preside over the proceedings, keep order and ensure fairness. The Chair shall, as well, preside over the deliberations of the Hearing Panel but shall not vote.
50. The hearing shall be closed and confidential unless both parties have consented in writing to the attendance of members of the University community.
51. The Hearing Panel shall provide a signed, dated and reasoned decision. The standard of proof to be relied upon by the Hearing Panel shall be one of a "balance of probabilities".

## **SANCTIONS**

52. The Hearing Panel may impose one or more of the following sanctions:
- a) a written reprimand;
  - b) imposed conditions. The Hearing Panel does not, however, have the authority to suspend a student from any academic activity;
  - c) payment as compensation for damage or loss of property. Such payment shall be added to the

- respondent's student account with the University should it not be paid within forty (40) working days. Payments shall not become due until after any appeal has been dealt with;
- d) subject to confirmation by the Rector or designate, suspension or expulsion.
53. The decision of the Hearing Panel shall normally be rendered within ten (10) working days of the hearing and shall be communicated in writing to both parties and the Advisor.
54. The administration and monitoring of the sanction(s) imposed shall be the responsibility of the Dean of Students. Should the respondent fail to comply with any sanction imposed under this Code, the Dean of Students shall notify the Secretary to convene a Hearing Panel in order to determine further sanctions.

## **APPEALS**

55. A party who wishes to appeal a decision or sanction of the Hearing Panel, or both, shall apply in writing to the Appeals Committee of the Board of Governors for the authorization to lodge an appeal. An Appeals Panel, composed of three (3) members of the Appeals Committee selected by the Chair of the Appeals Committee, shall decide whether an appeal shall be heard, having regard to the circumstances of each case.
56. Such request for authorization to appeal shall be submitted to the Secretary of the Appeals Committee no later than fifteen (15) working days after the date of transmission to the parties of the decision of the Hearing Panel.
57. Such request may be based only on the grounds of discovery of new evidence following the rendering of the decision of the Hearing Panel or on the presence of serious and prejudicial procedural defects. The request shall state in clear and precise terms the grounds on which the appeal is based.
58. If the authorization to appeal is granted, the appeal shall be heard either by the same Appeals Panel which authorized the appeal, or a new Appeals Panel as determined by the Chair of the Appeals Committee and notification of such shall be sent to both parties.
59. The Appeals Panel has the authority to confirm, reverse or modify the decision being appealed. Further, should the appeal be based on the production of new evidence, the Appeals Panel may order a new hearing of the complaint by a new Hearing Panel.
60. The decision of the Appeals Panel shall be signed, dated and reasoned and shall be sent to both parties, the Student Hearing Board Secretary, the Advisor and the members of the Hearing Panel who presided at the hearing of the complaint.
61. The decision of the Appeals Panel shall be final.

## **FILES OF FORMAL COMPLAINTS AGAINST STUDENTS**

62. The Advisor shall maintain a file of all formal complaints processed. The file shall include the written complaint, the decision of the Hearing Panel and the decision of the Appeals Committee, if any. If a settlement is reached prior to a hearing, the general substance of the settlement shall be included in the file. If the complaint is withdrawn at any stage of the formal process, a notation to that effect shall be recorded, but all information identifying the parties shall be removed from the record.

## **PROCEDURES FOR ADJUDICATING FORMAL COMPLAINTS MADE AGAINST A FACULTY, ADMINISTRATIVE OR SUPPORT STAFF MEMBER**

63. Formal complaints made against a faculty, administrative or support staff member shall be adjudicated according to the provisions of the respondent's collective agreement or the relevant University policy.
64. A complainant may opt to proceed directly to a formal complaint at the outset (article 25) or after an attempt at informal conflict resolution has been unsuccessful.

### **INITIATING A COMPLAINT AGAINST A FACULTY, ADMINISTRATIVE OR SUPPORT STAFF MEMBER**

65. The Advisor shall provide the complainant with the following information:
  - a) the required format for submitting the complaint, which must be made in writing, signed and dated and must identify the respondent and the precise nature of the complaint;
  - b) the identity of the authority to whom the complaint shall be submitted under the terms of the respondent's collective agreement or the relevant University policy;
  - c) the right of the complainant to consult any person in the preparation of his/her case, and to be accompanied or represented by any member of the University during the process of resolution. If the complainant is a student, he/she may opt to be accompanied by an advisor obtained through the services of Advocacy and Support Services. If the complainant is a member of a union, he/she may opt to be accompanied by a union representative.
66. The complainant shall submit the written complaint to the authority identified in article 65 b). The authority shall take the necessary steps to resolve the matter in such a manner as to respect the principles of natural justice and the procedures of any collective agreement or University policy which may apply. Hereinafter, the authority is responsible for all communication with the complainant and the respondent.

### **COMMUNICATION OF THE DECISIONS TAKEN**

67. When the matter has been decided, the authority shall notify both the complainant and the Advisor of the general substance of the decision or action that was taken as a result of the complaint.
68. If the decision or action taken by the authority does not constitute a disciplinary action as defined by the relevant collective agreement or University policy, the authority shall monitor compliance by the respondent. Once satisfied that compliance has been effected, the authority shall so inform the complainant.
69. If disciplinary action is taken and is subsequently overturned by a higher authority or by grievance and arbitration procedures, the complainant and Advisor shall be notified.

### **FILES OF FORMAL COMPLAINTS AGAINST FACULTY, ADMINISTRATIVE AND SUPPORT STAFF MEMBERS**

70. The Advisor shall maintain a file of formal complaints received against faculty, administrative or support staff members, which shall summarize the substance of the consultation with the complainant, the record of resolution as supplied by the authority and information that a sanction has been overturned through grievance or arbitration, if this is the case.

## URGENT MEASURES

71. The University's response to any urgent situation involving threatening or violent conduct shall be coordinated by the Advisor. He/she shall take the necessary steps to convene an Ad hoc case management team (the team) and shall thereafter coordinate the activities of the team until the situation has been resolved.
72. The Advisor's role shall be limited to that of coordination and facilitation, where necessary advising and supporting all those affected by the incident, and acting as the central link for intra-University communications relating to the incident.
73. The Advisor and the Team shall be guided by the *Protocol for the co-ordination of urgent cases of threatening or violent conduct* (the Protocol).
74. The Advisor shall be responsible for ensuring that the Protocol is revised and updated as needed, and to this end, shall consult whatever experts are appropriate. Revisions of the Protocol shall be submitted to, and approved by, the Rector.

## REPORTING AND RESPONDING TO URGENT SITUATIONS

75. Members who are faced with an urgent situation involving threatening or violent conduct, where there is reasonable cause to believe that the safety of persons may be threatened, shall immediately contact the Security Department. The Security Department shall take whatever action is necessary to secure the safety of persons, and shall alert the Advisor to convene a Team as necessary.
76. Members shall report to the Advisor any conduct which they have reasonable cause to believe potentially threatens the safety of persons. The Advisor shall assess the situation as specified in the Protocol, consulting experts as necessary, and make recommendations as to any further action appropriate in the circumstances.
77. Any member of the University who is called to a team meeting shall respond promptly.

## TEMPORARY SUSPENSION

78. Where a member of the faculty or administrative and support staff presents a clear and present danger to the safety of persons or to the activities of the University as a whole or of any of its individual members, the matter shall be dealt with according to the provisions of the relevant collective agreement or University policies.
79. A member against whom such action is taken may seek recourse through the grievance procedures of the relevant collective agreement or the grievance procedures contained in University policies.
80. Where a student member presents a clear and present danger to the safety of persons or to the activities of the University as a whole or of any of its individual members, the Rector or his/her delegate may suspend the student on a temporary basis, exclude the student from any University premises and take any other steps that may be appropriate. The suspending officer shall notify the Registrar, the relevant Dean and the Security Department of the terms of the suspension.
81. In such a case, the suspending officer shall immediately lay a complaint against the student under articles 40 to 54 of this Code. The regular delays of this Code shall not apply, and a preliminary hearing shall be convened by the Secretary of the Student Hearing Board within five (5) working days of the suspension order. The purpose of the hearing shall be solely to determine whether or not sufficient reason exists for the suspension. The Hearing Panel shall render its decision and inform the parties immediately following the preliminary hearing.
82. Should the suspended student be unable to attend the hearing within the prescribed delay, he/she shall

notify the Secretary as soon as he/she is able to attend a hearing. Upon such notification, the Secretary shall convene a hearing as soon as possible.

83. In the event that the temporary suspension is upheld by the Hearing Panel, a further hearing into the complaint shall be held within ten (10) working days of the preliminary hearing. The Hearing Panel shall render its decision and inform the parties within three (3) working days of the hearing. The suspension shall continue until the decision has been rendered.
84. In the event that the suspension is not upheld by the Hearing Panel at the preliminary hearing, the hearing into the complaint shall proceed according to the normal delays specified in this Code.
85. In the event that the temporary suspension is not upheld, or the Hearing Panel determines that the complaint is unfounded, that decision shall not invalidate the suspending officer's prior action. However, every effort shall be made to remedy any academic disadvantage that the student may have experienced as a consequence of the temporary suspension.
86. Upon the lifting of the suspension, the Secretary shall notify the Registrar, the relevant Dean and the Security Department.

## **RETENTION OF FILES**

87. All complaint files maintained by the Advisor shall be confidential and accessible only to the staff of the Office of Rights and Responsibilities. Such files shall be destroyed according to a retention schedule determined in accordance with provincial legislation.

## **APPOINTMENT AND FUNCTIONS OF ADVISOR**

88. The Advisor on Rights and Responsibilities shall be appointed by the Rector upon the recommendation of an advisory committee struck for this purpose. The Advisor shall report to the Rector.
89. The appointment shall be made for an initial term of two years, renewable for further terms of five years. During the fourth year of each such term the Rector shall appoint an appraisal committee which shall review the operations of the Office of Rights and Responsibilities and make recommendations to the Rector. This review shall include, but not be limited to, consultations with the internal community as well as external appraisal.
90. The Advisor shall direct the operations of the Office of Rights and Responsibilities, and carry out all duties described in this Code.
91. The Advisor shall submit an annual report to the Rector by September 30 of each year. The report shall detail the activities of the Office of Rights and Responsibilities, including statistics on all complaints received, and make recommendations, as necessary, with regard to either the Code of Rights and Responsibilities or the operations of the Office. The annual report shall be published in the University's newspaper.

## **COMPLAINTS RELATING TO OPERATIONS OF THE OFFICE OF RIGHTS AND RESPONSIBILITIES**

92. If a member considers that the Advisor has failed to follow the procedures outlined in this Code, with respect to any matter to which the member has been a party, he/she may submit a written complaint, detailing the alleged procedural failure, to the Rector. The Rector shall investigate the complaint and inform the member of the results of the investigation.

## THE ADVISORY COMMITTEE ON RIGHTS AND RESPONSIBILITIES

93. The Rector shall appoint an Advisory Committee on Rights and Responsibilities (the Committee) composed of the following members:

- i) one (1) student member, nominated by the undergraduate student association;
- ii) one (1) student member, nominated by the graduate student association;
- iii) one (1) administrative and support staff member nominated by the electoral college;
- iv) one (1) full-time faculty member nominated by the full-time faculty association;
- v) one (1) part-time faculty member nominated by the part-time faculty association;
- vi) the Advisor, ex-officio;
- vii) a delegate of the Rector as Chair;

94. Appointments shall be for two years, renewable for one further term.

95. The mandate of the Committee shall be to:

- a) Assist in the development and implementation of activities to disseminate information about this Code, as envisaged in article 9;
- b) Make recommendations to the Rector on the continued development of the Code of Rights and Responsibilities, as necessary;
- c) Receive the annual report and make any representations to the Rector with regard to its content, as necessary.

96. The Committee shall meet at the call of the Chair, or at the call of any three (3) members of the committee, but no less than twice per academic year.

97. The Advisor shall respect the confidentiality of all nominative information relating to cases or complaints during discussions with the Committee.

**Code of Rights and Responsibilities : Annex A**

**FOR INFORMATION ONLY**

**CONCORDIA UNIVERSITY**

**THE COORDINATION OF URGENT CASES OF  
THREATENING OR VIOLENT CONDUCT**

**P R O T O C O L**

**BASIC PRINCIPLES**

Serious incidents of threatening or violent conduct are rarely single-issue, single-answer phenomena. They generally have a broad impact across the University, and require a variety of interventions. This protocol is intended to ensure that the management of such cases is effective and well coordinated across the University, in the following manner:

- ▶ It provides for a coordinator with the authority to organize an effective response to incidents and cases.
- ▶ It ensures that senior administrators are kept appropriately informed of developments in every case.

The protocol is designed to ensure that the responsibility for decision-making is vested in the hands of management. At the same time, it builds in special support and expertise for managers who may require assistance in resolving incidents. Further, the protocol ensures that all decision-making is closely coordinated, and that information about developments is appropriately channelled. Lastly, the protocol builds in a reporting and review process which ensures both accountability and the ongoing refinement of case management strategies.

**SCOPE OF THE PROTOCOL**

The protocol covers incidents of threatening or violent conduct by one or more individuals, as defined in the *Code of Rights and Responsibilities*. The protocol is not intended to cover major emergencies, such as fires or chemical spills, which are handled by Environmental Health and Safety. It is also not a disaster recovery plan in the event of a major incident, for example, a bombing.

## CASE MANAGEMENT - STAFFING AND STRUCTURES

The protocol is implemented by a coordinator, whose function is to coordinate the work of an ad-hoc case management team.

### 1. The coordinator

The coordinator's role is one of organization and facilitation rather than decision-making. The coordinator has the authority to convene meetings, manage internal communications, maintain records and follow-up on decisions. The primary responsibilities of the coordinator are:

- ▶ to bring together the authorities who must make decisions, together with experts where necessary, to manage the case;
- ▶ to centralize internal communications;
- ▶ to ensure that the victim(s), if any, and the members of the community who are affected by the incident are supported, consulted where appropriate and kept informed of developments in the case;
- ▶ to ensure follow-up of decisions;
- ▶ to maintain case records, and to ensure that the appropriate senior authorities are informed of developments;
- ▶ to convene de-briefing sessions, and ensure that any "lessons learned" are integrated into protocols and procedures, and conveyed to the appropriate authorities.

### 2. The case management team

#### 2.1. The Core Team:

The coordinator and a consultant from the Departments of Health Services and Security respectively, will form the core of each ad hoc case management team. This provision helps to ensure that the University develops consistency of practice and expertise in case management. In addition to these permanent members, the core team for each case will include the authorities responsible for the department(s) or unit(s) concerned. These will vary depending upon the circumstances of each case, but would typically include two levels of authority, for example, a supervisor and a department director, or an academic department chair and a dean.

## 2.2. Extended team as needed:

In addition to the core group, others who have a direct responsibility for an aspect of the case, or whose expertise is required, may be either added to the team or consulted as needed, for example:

Legal Counsel

A representative of Public Relations

A representative of Environmental Health and Safety

An Ombudsperson

The Dean of Students

A member of Counselling & Development

A member of Campus Ministry

The managers of other departments where the incident has had a serious impact upon department members

A representative of Human Resources

Union representatives

A psychiatrist

A police liaison officer

An expert on critical incident stress de-briefing, etc.

## 2.3. Importance of attendance at case conferences:

Those who are requested to participate as members of either the core or an extended team shall accord such requests the highest priority.

# IMPLEMENTING THE PROTOCOL

## 1. Decision to implement the protocol

The coordinator may receive a report of threatening or violent conduct directly from the person(s) implicated in the incident, or via a third party who has become aware of the situation, for example, a supervisor, the Dean of Students, the Ombuds Office, etc. The coordinator will obtain as much information as is necessary to make a preliminary assessment of the situation. If this assessment clearly indicates that team action is not required, the coordinator will refer the matter elsewhere as appropriate. If there is an indication of urgency or the apprehension of danger; the coordinator will confer rapidly with the other core team members to decide whether or not to implement the protocol.

## 2. Convening a case conference

Once a decision to proceed has been made, the coordinator immediately convenes a case conference of the core group plus any others whose presence is relevant.

### 3. Action

The case conference will carry out some or all of the following actions, in whatever order is appropriate and depending upon the nature of the situation:

- ▶ Determine what facts are known, what information is still needed, and how such information may be obtained.
- ▶ Determine whether any further special expertise is required.
- ▶ Start a case log detailing facts and recording all decisions.
- ▶ Determine any immediate action to be taken with regard to any perpetrator(s). This might include removal from the premises, filing of police charges, commencement of disciplinary action, referral for medical/psychological care, security precautions, etc.
- ▶ Arrange for support, care and follow-up of any victim(s). This might include medical/psychological care, temporary leave, security precautions, ensuring that employment or student status is not jeopardised, etc.
- ▶ Arrange for internal communiqués as necessary. The principle is to ensure that the community at large and/or those most directly affected are given appropriate information about the facts, the action being taken, and how to get help if they are affected by the incident.
- ▶ Plan a media strategy, brief those implicated on how to deal with media requests.
- ▶ Arrange for critical incident stress de-briefing sessions for students/employees who may be affected, as needed.
- ▶ Start CSST reporting process as appropriate.
- ▶ Establish communication links for specific aspects of the case.

### 4. Follow-up

The team thereafter plans any further meetings and establishes responsibility among team members for the follow-up of decisions.

### 5. Files

All files relating to case management are confidential. The coordinator will maintain a case log containing the facts of the case and a record of all decisions and action taken. The coordinator will also keep copies of pertinent documents associated with the case (copies of Security reports, correspondence, etc.) These documents will constitute the case file, to be maintained in the office of the coordinator.

6. Confidentiality

During the course of a case, team members and consultants will maintain confidentiality with regard to nominative information, to the extent that a situation is not publicly reported in the media. Information will be divulged on a need-to-know basis.

7. Team de-briefing

The term de-briefing is used here in two ways. First, during the course of a particularly long or difficult case, the team is responsible for the ongoing assessment of its own performance. This helps to promote mutual support, identify problems and keep decision-making on track. Second, a final meeting will be held at the conclusion of a case, in order to identify any "lessons learned" and to ensure that participants receive any help they might need to handle the stress or emotional impact of the case.

8. Reporting

Upon conclusion of a case, the coordinator will write a report summarizing the case and submit it to the Rector, the Vice-Rectors and the Secretary-General. Interim reports should be submitted in a timely fashion if the case escalates to serious levels or is long drawn-out. Copies of the report should be sent to participating team members. The report should include any observations emanating from the de-briefing session and any recommendations for review or changes to policy or practice which the team wishes to make. These reports are the key to ensuring accountability in decision-making, consistency of response across different sectors of the University and the timely review of all policies and procedures regarding conduct. All case reports shall be reviewed by the Office of the Rector.